

**COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO**

Banner University Medical Center Tucson
Campus, LLC, an Arizona corporation dba
Banner University Medical Center Tucson; et al.,

v.

Defendants/Petitioners,

Hon. Richard E. Gordon, Judge of the Superior
Court of Arizona, Pima County,

Respondent Judge,

and

Jeremy and Kimberly Harris,

Plaintiffs/Real Parties in Interest.

Jeremy and Kimberly Harris,

Plaintiffs/Cross-Petitioners,

Hon. Richard E. Gordon, Judge of the Superior
Court of Arizona, Pima County,

Respondent Judge,

v.

Banner University Medical Center Tucson
Campus, LLC, an Arizona corporation dba
Banner University Medical Center Tucson; et al.,

Defendants/Real Parties in Interest.

No. 2 CA-SA 2019-0051

Pima County Superior Court
No. C20174589

(Hon. Richard E. Gordon)

**RESPONSE TO
DEFENDANTS/PETITIONERS'
OBJECTION TO MOTION FOR
LEAVE TO FILE AMICUS
CURIAE BRIEF**

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Memorandum of Points and Authorities

Amicus respectfully asks the Court to overrule the objection made to the amicus curiae brief, for the following three reasons.

First, the response may be moot. The Court's website for this case indicates that, on January 30, 2020, this Court granted the motion for leave to file the amicus curiae brief and ordered that Banner University Medical Center was to file its response on or before February 14, 2020. The issue therefore appears settled.

Second, Amicus apologizes to Court and counsel for not filing the amicus curiae brief faster. But the organizational decision to file an amicus curiae brief takes time and then, once made, the authors of the amicus curiae brief, and most especially the lead author who drafts it, must get all the other briefs (the last of which was filed January 10, 2020) and find time to research and write an entirely pro bono project in the midst of many hard deadlines for appellate work being done for pay. As it was, the lead author got this project done as fast as he could.

Third, the matter is set for oral argument at the University of Arizona College of Law on March 4, 2020. There is thus ample time for the response and for the Court's consideration of the amicus curiae brief and the response. Neither the Court nor any party has suffered prejudice from filing the amicus curiae brief on January 28, 2020.

Amicus therefore respectfully asks the Court to overrule the objection.

DATED this 30th day of January, 2020.

AHWATUKEE LEGAL OFFICE, P.C.

/s/ David L. Abney, Esq.
David L. Abney
Counsel for Amicus Curiae

Certificate of Compliance

This document: (1) uses Times New Roman 14-point proportionately spaced typeface for text *and* footnotes; (2) contains 698 words (by computer count); and (3) averages less than 280 words per page, including footnotes and quotations.

Certificate of Service

On this date, the above-signing lawyer electronically filed this document with the Clerk of Division Two of the Court of Appeals and electronically delivered it to:

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